

CHAPTER 1112

GRADUATED DRIVER'S LICENSES

H.F. 2528

AN ACT establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.177, subsection 1, Code 1997, is amended to read as follows:

1. To any person who is under the age of eighteen years, ~~without the person's first having successfully completed an approved driver education course, in which case, the minimum age is sixteen years~~ except as provided in section 321.180B. However, the department may issue a driver's license to certain minors as provided in section 321.178 or 321.194, an instruction permit as provided in section 321.180, subsection 1, or a driver's license restricted to motorized bicycles as provided in section 321.189, ~~subsection 8.~~

Sec. 2. Section 321.178, subsection 1, Code 1997, is amended to read as follows:

1. APPROVED COURSE. An approved driver education course as programmed by the department of education shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. Classroom instruction shall include all of the following:

- a. A minimum of four hours of instruction concerning substance abuse.
- b. A minimum of twenty minutes of instruction concerning railroad crossing safety.
- c. Instruction relating to becoming an organ donor under the uniform anatomical gift Act.

~~After the student has completed three clock hours of street or highway driving and has demonstrated to the instructor an ability to properly operate a motor vehicle and upon written request of a parent or guardian, the instructor may waive the remaining required laboratory instruction.~~

To be qualified as a classroom or laboratory driver education instructor, a person shall have satisfied the educational requirements for a teaching license at the elementary or secondary level and hold a valid license to teach driver education in the public schools of this state.

Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. Street or highway driving instruction may be provided by a person qualified as a classroom driver education instructor or a person certified by the department of transportation. The department of transportation shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction and for administering requested field tests.

“Student,” for purposes of this section, means a person between the ages of fourteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department of transportation.

Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department of transportation, shall likewise be eligible for a driver’s license at the age of sixteen years, providing the instructor in charge of the student’s training has satisfied the educational requirements for a teaching certificate at the secondary level and holds a valid certificate to teach driver education in the public schools of Iowa as provided in section 321.180B or 321.194.

Sec. 3. Section 321.180, subsection 1, Code 1997, is amended to read as follows:

1. a. A person who is at least ~~fourteen~~ eighteen years of age and who, except for the person’s lack of instruction in operating a motor vehicle, would be qualified to obtain a driver’s license, shall, upon meeting the requirements of section 321.186 other than a driving demonstration, and upon paying the required fee, be issued an instruction permit by the department. Subject to the limitations in this subsection, an instruction permit entitles the permittee, while having the permit in the permittee’s immediate possession, to operate a motor vehicle, other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds, upon the highways for a period not to exceed two years from the licensee’s birthday anniversary in the year of issuance. If the applicant for an instruction permit holds a driver’s license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the need of an accompanying person.

A permittee shall not be penalized for failing to have the instruction permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee’s arrest or at the time the permittee was charged with failure to have the permit in the permittee’s immediate possession.

b. Except as otherwise provided, a permittee who is ~~sixteen~~ eighteen years of age or older must be accompanied by a person issued a motor vehicle license valid for the vehicle operated who is a member of the permittee’s immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least eighteen twenty-five years of age, and who is actually occupying a seat beside the driver. ~~Except as otherwise provided, a permittee who is less than sixteen years of age must be accompanied by a person issued a motor vehicle license valid for the vehicle operated who is the parent or guardian of the permittee, member of the permittee’s immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person who is twenty-five years of age or more if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver.~~

However, if the permittee is operating a motorcycle in accordance with this section or section 321.180B, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person, ~~unless the qualified person is an approved motorcycle or driver education instructor or a prospective motorcycle or driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, and the permittee is enrolled in an approved motorcycle or driver education course, in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.~~

Sec. 4. Section 321.180, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 5. A motorcycle instruction permit issued under this section is not renewable.

Sec. 5. NEW SECTION. 321.180B GRADUATED DRIVER'S LICENSES FOR PERSONS AGED FOURTEEN THROUGH SEVENTEEN.

Persons under age eighteen shall not be issued a license or permit to operate a motor vehicle except under the provisions of this section. However, the department may issue restricted and special driver's licenses to certain minors as provided in sections 321.178 and 321.194, and driver's licenses restricted to motorized bicycles as provided in section 321.189. A license or permit shall not be issued under this section or section 321.178 or 321.194 without the consent of a parent or guardian. An additional consent is required each time a license or permit is issued under this section or section 321.178 or 321.194. The consent must be signed by at least one parent or guardian on an affidavit form provided by the department.

1. INSTRUCTION PERMIT. The department may issue an instruction permit to an applicant between the ages of fourteen and eighteen years if the applicant meets the requirements of sections 321.184 and 321.186, other than a driving demonstration, and pays the required fee. An instruction permit issued under this section shall be valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance. A motorcycle instruction permit issued under this section is not renewable.

Subject to the limitations in this subsection, an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds upon the highways.

Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person.

However, if the permittee is operating a motorcycle in accordance with this section, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

A permittee shall not be penalized for failing to have the instruction permit in the permittee's immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

2. INTERMEDIATE LICENSE. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 for a minimum of six months, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, instructor, a person certified by the department, or a person at

least twenty-five years of age who had written permission from a parent or guardian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and conviction free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts.

Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of twelve-thirty a.m. and five a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent or guardian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of twelve-thirty a.m. and five a.m. if such licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve-thirty a.m.

3. **REMEDIAL DRIVER IMPROVEMENT ACTION OR SUSPENSION OF PERMIT OR INTERMEDIATE LICENSE.** A person who has been issued an instruction permit or an intermediate license under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and conviction free continuously for the six-month period immediately preceding the application for the intermediate license. A person possessing an intermediate license who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and conviction free continuously for the twelve-month period immediately preceding the application for a full driver's license.

4. **FULL DRIVER'S LICENSE.** A full driver's license may be issued to a person seventeen years of age who possesses an intermediate license issued under subsection 2 for a minimum of twelve months, and who presents an affidavit signed by a parent or guardian on a form to be provided by the department that the intermediate licensee has accumulated a total of ten hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the licensee's parent, guardian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent or guardian to accompany the licensee, whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and conviction free continuously for, the twelve-month period immediately preceding the application for a full driver's license, and who has paid the required fee.

5. **CLASS M LICENSE EDUCATION REQUIREMENTS.** A person under the age of eighteen applying for an intermediate or full driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of transportation or from a private or commercial

driver education school licensed by the department of transportation before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under subsection 6.

6. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the state department of transportation to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department. The department shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the cost of providing the education courses.

7. RULES. The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 6. Section 321.189, subsection 6, Code Supplement 1997, is amended to read as follows:

6. LICENSES ISSUED TO PERSONS UNDER AGE TWENTY-ONE. A motor vehicle license issued to a person under eighteen years of age shall be identical in form to any other motor vehicle license except that the words "under eighteen" shall appear prominently on the face of the license. A motor vehicle license issued to a person eighteen years of age or older but less than twenty-one years of age shall be identical in form to any other motor vehicle license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a one dollar fee, the person shall be entitled to a new motor vehicle license or nonoperator's identification card for the unexpired months of the motor vehicle license or card. An instruction permit or intermediate license issued under section 321.180B, subsection 1 or 2, shall include a distinctive color bar. An intermediate license issued under section 321.180B, subsection 2, shall include the words "intermediate license" printed prominently on the face of the license.

Sec. 7. Section 321.189, subsections 7 and 9, Code Supplement 1997, are amended by striking the subsections.

Sec. 8. Section 321.194, Code 1997, is amended to read as follows:
321.194 SPECIAL MINORS' LICENSES.

1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL. Upon certification of a special need by the school board, ~~or the superintendent of the applicant's school, or principal, if authorized by the superintendent,~~ the department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license and who has successfully completes completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

a. The driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities ~~at the schools~~ within the school district.

(2) At any time when the licensee is accompanied in accordance with section ~~321.180~~ 321.180B, subsection 1, ~~paragraph "b"~~.

b. Each application shall be accompanied by a statement from the school board, ~~or superintendent, or principal, if authorized by the superintendent~~, of the applicant's school. The statement shall be upon a form provided by the department. The school board, ~~or superintendent, or principal, if authorized by the superintendent~~, shall certify that a need exists for the license and that the board, ~~and superintendent, and a principal authorized by the superintendent~~ are not responsible for actions of the applicant which pertain to the use of the driver's license. The department of education shall adopt rules establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue the driver's license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

(1) The district of residence of the parent or guardian of the student.

(2) A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

2. SUSPENSION AND REVOCATION. A driver's license issued under this section is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After a person licensed under this section receives two or more convictions which require revocation of the person's license under this section, the department shall not grant an application for a new motor vehicle license until the expiration of one year ~~or until the licensee's sixteenth birthday, whichever is the longer period.~~

Sec. 9. Section 321.196, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Except as otherwise provided, a motor vehicle license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. Except as required in section 321.188, and except for a motor-cycle instruction permit issued in accordance with section 321.180 or 321.180B, a motor vehicle license is renewable without written examination or penalty within a period of sixty days after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. The department in its discretion may

authorize the renewal of a valid motor vehicle license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department, files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department, or is eligible for renewal by mail pursuant to rules adopted by the department. The department may assess an applicant a fee of no more than two dollars for administration and mailing expenses for providing for renewal of the applicant's driver's license by mail.

Sec. 10. NEW SECTION. 321.210C PROBATION PERIOD.

A person whose driver's license or operating privileges have been suspended, revoked, or barred under chapter 321 for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "e", or chapter 321J, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

Sec. 11. Section 321.218A, Code Supplement 1997, is amended to read as follows:

321.218A CIVIL PENALTY — DISPOSITION — REINSTATEMENT.

When the department suspends, revokes, or bars a person's motor vehicle license or non-resident operating privilege for a conviction under this chapter, the department shall assess the person a civil penalty of two hundred dollars. However, for persons age nineteen or under, the civil penalty assessed shall be fifty dollars. The civil penalty does not apply to a suspension issued for a violation of section 321.180B. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in the general fund of the state. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 12. Section 321A.17, subsection 5, Code 1997, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

Sec. 13. Section 805.8, subsection 2, paragraph f, Code Supplement 1997, is amended to read as follows:

f. For violations of the conditions or restrictions of a motor vehicle license under sections 321.180, 321.180B, 321.193, and 321.194, the scheduled fine is twenty dollars.

Sec. 14. APPLICABILITY. The provisions of this Act relating to the issuance of any individual type of driver's permit or license to operate a motor vehicle and to the operation of a motor vehicle under that permit or license shall be applied only to a person who meets the minimum age qualification for the particular permit or license on or after the effective date of this Act.

Sec. 15. DRIVER'S EDUCATION CURRICULUM — STUDY.

The legislative council is requested to establish an interim study committee consisting of members of both political parties administered throughout the state. The study may include but is not limited to driver's education curriculum, certification of persons by the department

to provide classroom and laboratory instruction, costs to students and to schools, privatizing driver's education, expansion of behind-the-wheel training and effects on insurance rates. The committee may consult with the department of transportation, department of education, parents, educators, insurance executives, and other persons the committee may believe relevant to the study of driver's education. The committee is directed to submit its findings, together with any recommendations, in a report to the general assembly which convenes in January 1999.

Sec. 16. EFFECTIVE DATE. This Act takes effect January 1, 1999.

Approved April 16, 1998

CHAPTER 1113

CONTRIBUTIONS AND PAYMENTS TO SECOND INJURY FUND

S.F. 540

AN ACT relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge, providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.65, Code 1997, is amended to read as follows:
85.65 PAYMENTS TO SECOND INJURY FUND.

The employer, or, if insured, the insurance carrier in each case of compensable injury causing death, shall pay to the treasurer of state for the second injury fund the sum of ~~four~~ twelve thousand dollars in a case where there are dependents and ~~fifteen~~ forty-five thousand dollars in a case where there are no dependents. The payment shall be made at the time compensation payments are begun, or at the time the burial expenses are paid in a case where there are no dependents. However, the payments shall be required only in cases of injury resulting in death coming within the purview of this chapter and occurring after July 1, 1978. These payments shall be in addition to any payments of compensation to injured employees or their dependents, or of burial expenses as provided in this chapter.

Sec. 2. **NEW SECTION.** 85.65A PAYMENTS TO SECOND INJURY FUND — SURCHARGE ON EMPLOYERS.

1. For purposes of this section, unless the context otherwise requires:

a. "Insured employers" means employers who are commercially insured for purposes of workers' compensation coverage or who have been self-insured for less than twenty-four months as of the first day of the fiscal year in which a surcharge is imposed pursuant to this section.

b. "Self-insured employers" means employers who have been self-insured for purposes of workers' compensation coverage for at least twenty-four months as of the first day of the fiscal year in which a surcharge is imposed pursuant to this section.

2. Prior to each fiscal year commencing on or after July 1, 1999, the commissioner of insurance shall conduct an examination of the outstanding liabilities of the second injury fund and shall make a determination as to whether sufficient funds will be available in the second injury fund to pay the liabilities of the fund for each of the next two fiscal years. If the